

Introduced by Senator Kuehl

February 22, 2002

An act to repeal and add Section 115000 of the Health and Safety Code, relating to radioactive waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 2065, as introduced, Kuehl. Radioactive waste.

(1) Existing law, the Radiation Control Law, designates the State Department of Health Services as the agency responsible for the regulation of radiation control in the state, and imposes various duties on the department in connection with that designation, including developing programs for evaluating the health and safety hazards associated with using sources of ionizing radiation, licensing and regulating byproduct, source, and special nuclear materials, and adopting regulations relating to the control of sources of ionizing radiation. Existing law also requires the department to collect and disseminate information relating to the control of sources of ionizing radiation, as specified. A violation of the Radiation Control Law is a crime.

This bill would require the department to establish reporting procedures through a public hearing process for specified radioactive waste and would require generators of radioactive waste to annually report specified information to the department, thereby imposing a state-mandated local program by creating a new crime. The bill would require the department to prepare an annual set of tables summarizing data collected from generators of radioactive waste.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.



Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115000 of the Health and Safety Code
2 is repealed.

3 ~~115000. The department shall, for the protection of public~~
4 ~~health and safety do all of the following:~~

5 ~~(a) Develop programs for evaluation of hazards associated with~~
6 ~~use of sources of ionizing radiation.~~

7 ~~(b) Develop programs, with due regard for compatibility with~~
8 ~~federal programs, for licensing and regulation of byproduct,~~
9 ~~source, and special nuclear materials, and other radioactive~~
10 ~~materials.~~

11 ~~(c) Except as provided in Section 18930, adopt regulations~~
12 ~~relating to control of other sources of ionizing radiation.~~

13 ~~(d) Issue any regulations that may be necessary in connection~~
14 ~~with proceedings under Article 4 (commencing with Section~~
15 ~~115060).~~

16 ~~(e) Collect and disseminate information relating to control of~~
17 ~~sources of ionizing radiation, including all of the following:~~

18 ~~(1) Maintenance of a file of all license applications, issuances,~~
19 ~~denials, amendments, transfers, renewals, modifications,~~
20 ~~suspensions, and revocations.~~

21 ~~(2) Maintenance of a file of all regulations relating to~~
22 ~~regulation of sources of ionizing radiation, pending or adopted,~~
23 ~~and proceedings thereon.~~

24 ~~(3) Disseminate information regarding the evaluation of~~
25 ~~hazards associated with the use of sources of ionizing radiation.~~

26 ~~Nothing in this chapter shall be construed as precluding the~~
27 ~~Division of Occupational Safety and Health from adopting and~~
28 ~~enforcing regulations relating to matters within its jurisdiction~~
29 ~~consistent with, in furtherance of, and designed to implement this~~
30 ~~chapter and the regulations adopted thereunder.~~

SEC. 2. Section 115000 is added to the Health and Safety Code, to read:

115000. (a) For the purposes of this section, the following terms have the following meanings:

(1) “Generator” means any person that generates any radioactive waste for disposal in the state.

(2) “Generator category” includes, but is not limited to, any of the following:

(A) Nuclear powerplants.

(B) Reactor vendors or designers.

(C) Military.

(D) Medicine.

(E) Academia.

(F) Biotechnology.

(G) (i) Aerospace.

(ii) The department shall separate research reactor wastes from educational institutions from other academic wastes when categorizing the source of that waste.

(3) Except as provided in paragraph (4), “radioactive waste” means any of the following:

(A) “Low-level radioactive waste” as defined in Article 2 of the Southwestern Low-Level Radioactive Waste Disposal Compact, as set forth in Section 115255.

(B) Contaminated materials, including, but not limited, soil, building construction materials, metals, and other solid radioactive wastes from any source that contains residual levels of radioactivity, above background radiation, that are released to the public, transmitted for recycling, or are disposed of in any facility in the state, unless the facility is a licensed low-level radioactive waste facility, except as provided in subparagraph (D), or a hazardous waste disposal facility that is authorized to accept naturally occurring radioactive material (NORM).

(C) Naturally occurring or accelerator produced radioactive materials.

(D) Low-level radioactive waste that is greater than class C waste and is disposed of in any licensed low-level radioactive waste facility.

(4) “Radioactive waste” does not include consumer items specifically exempted by the Nuclear Regulatory Commission pursuant to Part 30 (commencing with Section 30.1) of, or Part 40

1 (commencing with Section 40.1) of, Title 10 of the Code of
2 Federal Regulations.

3 (b) The department shall, for the protection of public health and
4 safety, do all of the following:

5 (1) Develop programs for evaluating hazards associated with
6 using sources of ionizing radiation.

7 (2) Develop programs, with due regard for compatibility with
8 federal programs, for licensing and regulation of byproduct,
9 source, and special nuclear materials, and other radioactive
10 materials.

11 (3) Adopt regulations relating to control of other sources of
12 ionizing radiation.

13 (4) Adopt regulations to ensure the implementation of Article
14 4 (commencing with Section 115060).

15 (5) Collect and disseminate information relating to control of
16 sources of ionizing radiation, including all of the following:

17 (A) Maintain a file of all license applications, issuances,
18 denials, amendments, transfers, renewals, modifications,
19 suspensions, and revocations.

20 (B) Maintain a file of all regulations relating to regulation of
21 sources of ionizing radiation, pending or adopted, and proceedings
22 thereon.

23 (C) Disseminate information regarding the evaluation of
24 hazards associated with the use of sources of ionizing radiation.

25 (D) Maintain a file of manifests from all radioactive waste
26 generators that are sent to disposal facilities and the Southwestern
27 Low-Level Radioactive Waste Disposal Compact, as set forth in
28 Article 17 (commencing with Section 115250).

29 (E) (i) Maintain a file of all radioactive waste generated,
30 stored for decay, stored for transfer, transferred, treated, released
31 directly to the environment, or disposed of by, or on behalf of, a
32 generator in the state. This file shall also include information on
33 all radioactive waste generated outside the state that is transported
34 into the state.

35 (ii) The file described in this paragraph shall specify the
36 category of generator, class, quantity by activity, and volume of
37 low-level radioactive waste, including the peak and average
38 quantities in storage, along with the location, and the chemical and
39 physical characteristics of that waste, including its half-lives,
40 properties, or constituents, and radionuclides present at, or above,

the minimum labeling requirements, with their respective concentrations and amounts of radioactivity. The file shall specify how the generator measured the identified waste and, if the identified wastes have not been measured directly, the process and assumptions relied upon by the generator to estimate the quantities of the identified waste. The file shall be updated annually, at minimum, to ensure an accurate and timely depiction of radioactive waste in the state.

(F) Maintain a file on each generator's storage capacity, as well as the nature of the radioactive wastes stored, including specific radionuclides, and their activity, volume, total activity, and volume stored-for-decay and stored for later transfer, including the periods of time for both types of storage.

(6) Develop software that will standardize reporting of the information described in paragraph (5) in an electronic format that is readily accessible to the public.

(7) Establish reporting procedures through a public hearing process, and require generators of radioactive waste to use those reporting procedures to annually report the information specified in subparagraphs (D) to (F), inclusive, of paragraph (5) to the department.

(8) (A) Prepare an annual set of tables summarizing data collected from the activities and maintenance of files specified in subparagraphs (D) to (F), inclusive of paragraph (5). These annual data tables shall contain information that summarizes and categorizes, by category of generator and location of generator, the nature, characteristics, and quantities by activity and volume of low-level radioactive waste generated in the state during each calendar year. The department shall identify, by generator category, specific radionuclides, and their amounts the quantities, in volume and activity, managed in storage-to-decay programs, and the quantities transferred to others or sent for disposal at disposal facilities. The tables should also include the amount of low level radioactive waste, as measured by activity and volume, and as generated by each generator category broken down into the following half-life categories, except as provided in subparagraph (B):

- (i) Less than 100-days.
- (ii) 100-days to one year.
- (iii) Greater than one year, but less than five years.

1 (iv) Greater than five years, but less than 13 years.

2 (v) Greater than 13 years.

3 (B) When radioactive wastes are reported by half-life
4 breakdown, as specified in clauses (i) to (v), inclusive, of
5 subparagraph (A), and more than one radionuclide is present in the
6 particular waste container or item, the half-life shall be reported
7 based on the longest-lived radionuclide in the mixture, with the
8 exception of the trace technetium-99 daughter product associated
9 with depleted molybdenum-99 radioisotope generators of the type
10 typically used in medicine and research.

11 (C) The department shall note, in the annual data tables, any
12 generator that does not directly measure its waste and any
13 generator for which data are lacking.

14 (c) The department shall include, in the data summary
15 compiled pursuant to paragraph (8) of subdivision (b) data, to the
16 extent available, for radioactive wastes that are specified in
17 subparagraphs (B) to (D), inclusive, of paragraph (2) of
18 subdivision (a). This data shall be presented separately from the
19 data for radioactive wastes specified in subparagraph (A) of
20 paragraph (2) of subdivision (a).

21 (d) The information specified in this section is not proprietary
22 information relating to the control of services of ionizing
23 radiation.

24 (e) Nothing in this chapter shall be construed as precluding the
25 Division of Occupational Safety and Health from adopting and
26 enforcing regulations relating to matters within its jurisdiction that
27 are consistent with, and in furtherance of, the purposes of this
28 section.

29 SEC. 3. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.